

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

MATTHEW THOMPSON,

Plaintiff,

v.

CASE NO. 4:14-cv-465-RH-GRJ

B. SMITH, et al.,

Defendants.

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**ORDER**

This cause is before the Court on ECF No. 58, Plaintiff's Motion for Appointment of Counsel. Plaintiff requests that the Court appoint counsel to represent him in this case. Plaintiff says that because the Court has denied Defendants' motion to dismiss in part and issued a case management and scheduling order, the next phase of proceedings is beyond his ability to litigate his case. He also says he is indigent, untrained, and incarcerated.

A plaintiff in a civil case has no constitutional right to counsel. Moreover, the Court does not have authority pursuant to 28 U.S.C. § 1915 to require an attorney to represent an indigent litigant. See *Mallard v. The United States District Court for the S.D. Iowa*, 490 U.S. 296, 301–02

(1989). Only exceptional circumstances warrant appointment of counsel, such as where the legal issues are so novel or complex as to require the assistance of a trained practitioner. *Bass v. Perrin*, 170 F.3d 1320 (11th Cir. 1999); *Fowler v. Jones*, 899 F.2d 1088 (11th Cir. 1990).

There are currently no exceptional circumstances to merit the appointment of counsel in this case. Although Plaintiff's case is proceeding to the discovery stage and Plaintiff is incarcerated and untrained in the law, the difficulties presented to the *pro se* Plaintiff are typical of those difficulties experienced by other *pro se* litigants in § 1983 actions.

Accordingly, upon due consideration, it is **ORDERED**:

Plaintiff's Motion for Appointment of Counsel, ECF No. 58, is **DENIED**.

**DONE AND ORDERED** this 14<sup>th</sup> day of December, 2016.

*s/ Gary R. Jones*

GARY R. JONES  
United States Magistrate Judge